

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

CL DIAMOND, L.P., NY,

Plaintiff,

-V-

DANTES TRADING & ADVISORY LLC and  
HERBERT MENDOZA,

Defendants.

22 Civ. 616 (JPC)

### DEFAULT JUDGMENT


JOHN P. CRONAN, United States District Judge:

Plaintiff commenced this action on January 25, 2022 by filing the Complaint. Dkt. 5. Defendants Dantes Trading & Advisory LLC and Herbert Mendoza were personally served with the Summons and Complaint on January 28, 2022, making their answers due by February 18, 2022. Dkts. 12-13. After Defendants failed to answer the Complaint or appear in this action by the February 18, 2022 deadline, the Court directed Plaintiff to move for default judgment as to both Defendants. Dkt. 14. On March 10, 2022, Plaintiff sought a Clerk's Certificate of Default, Dkts. 17-18, which was issued the next day on March 11, 2022, Dkt. 19. On March 21, 2022, Plaintiff moved for default judgment as to both Defendants. Dkts. 22-27. On May 4, 2022, Plaintiff submitted supplemental declarations in support of its request for damages. Dkts. 30-31. On May 9, 2022, at 1:00 p.m., the Court held a telephonic hearing on Plaintiff's motion for default judgment. Dkt. 14. Neither Defendant appeared at the May 9, 2022 hearing. The docket reflects that Defendants received notice of the hearing, Dkts. 20-21, and received copies of Plaintiff's motion for default judgment and supporting documents, Dkts. 28, 32-33.

Accordingly, and for the reasons stated on the record at the May 9, 2022 hearing, it is hereby ORDERED, ADJUDGED, and DECREED that Plaintiff CL Diamond L.P., NY's motion for entry of a default judgment against Defendants Dantes Trading & Advisory LLC and Herbert Mendoza is granted. It is further ORDERED, ADJUDGED, and DECREED that, in connection with the judgment of default, Defendants Dantes Trading & Advisory LLC and Herbert Mendoza are jointly and severally liable to Plaintiff CL Diamond L.P., NY in the amount of \$125,000.00 in compensatory damages owed under the Asset Purchase and Sale Agreement dated April 15, 2021 and the Amendment to Asset Purchase and Sale Agreement dated July 30, 2021, as well as \$11,577.50 in attorneys' fees, and \$769.42 in costs, for a total judgment in the amount of \$137,346.92.

SO ORDERED.

Dated: May 9, 2022  
New York, New York

  
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JOHN P. CRONAN  
United States District Judge